

State of Washington

CEMETERY BOARD

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 104

(1) Be it resolved by the Washington State Cemetery Board acting at Seattle, Washington

(place)

that it does promulgate and adopted the annexed rules relating to:

improved commercial or real estate income, hybrid units, hybrid units as funeral merchandise or services, disclosures of support items, removal of dedication. Adding as new sections WAC 98-12-020, 98-16-010, 98-16-020, 98-16-030, 98-20-010

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. * filed with the code reviser on 1/7/81. Such rules shall take effect: WSR 81-02-055 pursuant to RCW 34.04.040(2). at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____ find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 68.05.100 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____ which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule making authority of the

(agency)

is authorized in RCW _____

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON FILED

APPROVED AND ADOPTED 18 FEBRUARY 19 81

MAR 9 1981

By B. David Daly Chairman, Cemetery Board Title

CODE REVISER'S OFFICE WSR 81-07-013

NEW SECTION

WAC 98-12-020 IMPROVED COMMERCIAL OR REAL ESTATE INCOME. In determining the trust fund income for the purpose of RCW 68-.44.020 and RCW 68.44.170, an allowance for depreciation on the improved real estate will be used as a determining factor in computing fund income. The trustee shall deduct depreciation from the gross rents and transfer the amount into a fund for depreciation account. The fund may be reinvested with other endowment investments, or may be used to create a sinking fund within the endowment fund.

CHAPTER 98-20 WAC

CEMETERY PROPERTY

WAC
98-20-010 REMOVAL OF DEDICATION.

NEW SECTION

WAC 98-20-010 REMOVAL OF DEDICATION. Any cemetery authority, as defined in RCW 68.04.190, which desires to remove the dedication to cemetery purposes from all or any part of its property pursuant to RCW 68.24.090, must notify the cemetery board, in writing, of its intention to do so at least 60 days prior to filing the proceeding in superior court pursuant to RCW 68.24.090.

CHAPTER 98-16 WAC

HYBRID UNITS

WAC

- 98-16-010 HYBRID UNIT.
- 98-16-020 HYBRID UNIT AS FUNERAL MERCHANDISE OR SERVICES.
- 98-16-030 DISCLOSURE OF SUPPORT OR SERVICE ITEMS.

NEW SECTION

WAC 98-16-010 HYBRID UNIT. A hybrid unit shall mean any combination "casket-vault" that is designed, intended, or represented to function as a substitute for a casket and/or a vault, or intended to serve the same purpose as a casket or a vault or in lieu thereof.

NEW SECTION

WAC 98-16-020 HYBRID UNIT AS FUNERAL MERCHANDISE OR SERVICES. A hybrid unit shall be considered funeral merchandise or services as defined in RCW 48.40.002(2)(b), unless specifically designated, detailed and represented to the contrary in cemetery prearrangement contracts: PROVIDED, HOWEVER, That hybrid units not subject to regulation under chapter 48.40 RCW shall, if applicable, be subject to chapter 68.46 RCW and considered cemetery merchandise or services. Such cemetery prearrangement contracts, advertising, and other representations shall clearly state which items of the hybrid unit are being sold as funeral merchandise or services and which are being sold as cemetery merchandise or services.

NEW SECTION

WAC 98-16-030 DISCLOSURE OF SUPPORT OR SERVICE ITEMS. In accordance with WAC 98-14-020, Hybrid units specified as cemetery merchandise or services in cemetery prearrangement contracts must be itemized, and must disclose and describe all items of support or services which are required or may be required for the future or intended use of hybrid units. "Support or service" as used herein means any function, activity, or object, and their availability, required or that may be required to meet a buyer's expectations for necessary cemetery merchandise or services and/or funeral merchandise or services. Whether items of support or service are included in the immediate purchase price or are reserved for future sale at the time of need, must be clearly set forth in the cemetery prearrangement contract, and in all advertising or representations pertaining to preneed or prearrangement contract sales of hybrid units.